

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC. SECURITIES LITIGATION	CASE NO. 4:19-CV-00957 (CONSOLIDATED) JUDGE GEORGE C. HANKS, JR. THIS DOCUMENT RELATES TO: CASE NO. 4:22-CV-01189 CASE NO. 4:22-CV-02590
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**THE DIRECT ACTION PLAINTIFFS’ UNOPPOSED MOTION TO SEAL
(1) THEIR MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT (DKT. 460) AND (2) DECLARATION
AND EXHIBITS SUBMITTED THEREWITH (DKT. 461)**

The Alyeska Plaintiffs and the Orbis Plaintiffs¹ (collectively, “Direct Action Plaintiffs”) respectfully request leave to file under seal unredacted copies of (1) their Opposition to Motion of Defendants Donald Dimitrievich and William McMullen (“Moving Defendants”) for Summary Judgment as to Direct Action Plaintiffs’ Section 18

¹ The Alyeska Plaintiffs are: Alyeska Master Fund, L.P., Alyeska Master Fund 2, L.P., and Alyeska Master Fund 3, L.P. The Orbis Plaintiffs are: Orbis Global Equity LE Fund (Australia Registered), Orbis Global Equity Fund (Australia Registered), Orbis Global Balanced Fund (Australia Registered), Orbis SICAV, Orbis Institutional Global Equity L.P., Orbis Global Equity Fund Limited, Orbis Institutional Funds Limited, Allan Gray Australia Balanced Fund, Orbis OEIC, and Orbis Institutional U.S. Equity L.P.

and State Law Fraud Claims (Dkt. 460), and (2) the Rolnick Declaration,² together with the exhibits thereto (Dkt. 461) (collectively, the “Direct Action Plaintiffs’ Opposition”). The Moving Defendants do not object to the relief sought in this motion.

As grounds for this motion, the Direct Action Plaintiffs state as follows:

1. On August 17, 2021, the Court entered the Stipulation and Protective Order (“PO”) (Dkt. 190), which governs the handling of confidential information exchanged in discovery in this matter.

2. According to Paragraph 24 of the PO, “[i]f any party submits Confidential Discovery Material or Confidential Attorney Eyes Only Discovery Material to the Court, the submission must be filed only under seal on CM/ECF if filed electronically[.]” PO at ¶ 24 (emphasis added).

3. The Direct Action Plaintiffs’ Opposition contains, describes and refers to non-public documents and information that has been designated by the parties and nonparties as Confidential Discovery Material or Confidential Attorney Eyes Only Discovery Material, pursuant to the PO.

4. On September 27, 2023, prior to the filing of the Direct Action Plaintiffs’ Opposition, Direct Action Plaintiffs asked counsel for all Defendants and the Class Plaintiffs by email if they opposed the filing of the Direct Action Plaintiffs’ Opposition under seal, and no counsel opposed or objected to the filing.

² The “Rolnick Declaration” is the Declaration of Lawrence M. Rolnick in Opposition to Moving Defendants’ Motion for Summary Judgment of Defendants Donald Dimitrievich and William McMullen.

5. Today, Direct Action Plaintiffs filed the Opposition Papers under seal. Direct Action Plaintiffs will file public, redacted version of the Opposition Papers within five (5) business days.

6. Direct Action Plaintiffs are bound by the provisions PO, and therefore must, and now do, seek leave to file the Direct Action Plaintiffs' Opposition under seal.

THEREFORE, Direct Action Plaintiffs request that the Court grant their request for leave to file under seal unredacted copies of their Opposition to Motion of Defendants Donald Dimitrievich and William McMullen for Summary Judgment as to Direct Action Plaintiffs' Section 18 and State Law Fraud Claims (Dkt. 460), as well as the Rolnick Declaration and exhibits thereto (Dkt. 461).

Dated: September 28, 2023

Respectfully submitted,

By: /s/ Lawrence M. Rolnick
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Plaintiffs*

CERTIFICATE OF SERVICE

I certify that this motion has been served on counsel of record via the Court's ECF system on September 28, 2023.

/s/ Lawrence M. Rolnick
Lawrence M. Rolnick

CERTIFICATE OF CONFERENCE

I certify that on September 27, 2023, counsel for Direct Action Plaintiffs conferred with counsel for all Defendants and the Class Plaintiffs regarding the substance of this Motion. No parties opposed.

/s/ Lawrence M. Rolnick
Lawrence M. Rolnick